

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

**EMILY MILBURN, Individually and as  
Next friend of DYMOND LARAE  
MILBURN**

**V.**

**SERGEANT GILBERT GOMEZ (BADGE #987), OFFICERS DAVID ROARK (BADGE #332), JUSTIN POPOVICH (BADGE #336), and SEAN STEWART (BADGE #392)**

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**CIVIL ACTION NO. 08-193**

## JURY DEMAND

## DEFENDANTS' NOTICE OF INTERLOCUTORY APPEAL

Defendants, Sergeant Gilbert Gomez and Officers David Roark and Sean Stewart, come now and file this notice of interlocutory appeal to the United States District Court of Appeals for the Fifth Circuit.

The Defendants appeal the District Court's denial of the Defendants' Motion for Summary Judgment based upon, *inter alia*, qualified and official immunity.

Respectfully submitted,

/S/ William S. Helfand  
WILLIAM S. HELFAND  
Attorney-in-Charge  
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NORMAN RAY GILES  
State Bar No. 24014084

**OF COUNSEL:**

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**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been forwarded to the following counsel of record in accordance with the District's ECF service rules on this 30<sup>th</sup> day of October, 2009.

Anthony P. Griffin

A Griffin Lawyers

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Galveston, Texas 77550

/S/ William S. Helfand\_\_\_\_\_